

REMARKSElection/Restrictions

In the Office Action, claims 12 and 13 were restricted and withdrawn from consideration as being directed to a new invention. Claims 12 and 13 have been cancelled, without prejudice or disclaimer.

Rejections of Claims 2, 4 and 6 Under 35 U.S.C. § 112, 2nd ¶

In the Office Action, claims 2, 4 and 6 were rejected under 35 U.S.C. § 112, 2nd ¶ as being indefinite, because in claim 2 the phrase “second guide roller is movable in a central axis direction” was considered unclear. For the purpose of examination, the Examiner assumed that this phrase meant “second guide roller is movable by rotating about a central axis”. A reading of the present specification makes it clear that the Examiner’s assumption is not correct. The only use of the term “central axis” in the present application refers to the central axis of rotation of the roller. In Fig. 6, movement of the second guide roller in the central axis direction is clearly indicated as being in the “S” direction, which is the central axis of rotation of the roller. See also page 9, lines 5 to 9. While it is not deemed necessary, in an effort to expedite prosecution of this case, claim 2 has been amended in order to more clearly recite the meaning of “a central axis direction”. Accordingly, this §112 rejection should be withdrawn.

Rejection of Claims 1-10 and 14-19 Under 35 U.S.C. § 102(b)

In the Office Action, claims 1-10 and 14-19 were rejected under 35 U.S.C. §102(b) as being anticipated by Shinozaki et al. (WO 01/25077). In particular, the Office Action states:

The apparatus includes ... guide elements of pinching nip rollers (11a, 11b, and 11c), which rollers include a tapered surface or rounded edges Furthermore, Shinozaki et al shows the rollers have a first diameter and a second diameter smaller than the first diameter from the center to the end of the rollers, which is located between the first and second end of the rollers.

The Office Action appears to correctly describe the Shinozaki et al. nip rollers 11a, 11b and 11c. This description, however, is not an accurate recitation of the first guide roller found in the present claims. In particular, claim 1 recites:

... said first guide roller comprising a **first end** having a first diameter, a **second end** having a second diameter smaller than said first diameter and a tapered portion located between said first and second ends and said second guide roller comprising a first end having a first diameter, a second diameter smaller than said first diameter and a tapered portion located between said first and second diameters, ... (Emphasis Added)

Claim 1 clearly recites that each end of the first guide roller has a different size diameter and that the roller is tapered between its two ends. As the Office Action makes clear, each of the Shinozaki rollers has a diameter in the center, between its ends, that is larger than the diameter at each of its two ends. It is also clear, that the ends of each Shinozaki roller have the same diameter.

In order for a reference to anticipate a claimed invention, that reference must disclose, teach or suggest each and every element recited in the claim. Shinozaki et al. fails to do so. Therefore, for at least this reason, the Office Action fails to present a prima facie case of anticipation. Consequently, the final status of the present Office Action was premature and improper. See MPEP §§706.07(a), (c) and (d). Accordingly, this §102(b) rejection of claims 1-10 and 14-19 should be withdrawn and the claims allowed.

Rejection of Claim 11 Under 35 U.S.C. § 103(a)

In the Office Action, claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Shinozaki et al. (WO 01/25077) as applied to claim 1, and further in view of Fujiwara (JP 2000-159212). As discussed above, Shinozaki et al. fails to disclose each and every element recited in claim 1. Fujiwara does not cure this shortcoming. Therefore, the Office Action fails to present a prima facie case of obviousness. Accordingly, this §103(a) rejection of claim 11 should be withdrawn and the claim allowed.

Conclusion

For at least the reasons discussed above, it is submitted that claims 1-11 and 14-19 define patentably over Shinozaki et al., alone as well as in view of Fujiwara. Accordingly, it is submitted that the above referenced rejections should be withdrawn and this case allowed.

Early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

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8/15/06
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